

Opening Statement of Chairwoman Yvette D. Clarke (D-NY) as prepared
Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology
Committee on Homeland Security

Hearing on H.R. 5498, the WMD Prevention and Preparedness Act of 2010

June 15, 2010

The Commission on the Prevention of WMD Proliferation and Terrorism - "the WMD Commission" - put out a report entitled "World at Risk" in 2008. In that report, they told us that they believed that a terrorist act would occur somewhere in the world by 2013, and that it was more likely to be an act of biological terrorism. Although we have not seen WMD attacks here in the U.S. really come to fruition since 9/11 and the anthrax events of 2001, the threat is real.

We have heard it from the WMD Commission;
We have heard it from the 9/11 Commission;
We have heard it from the intelligence community;
We have heard it from Federal law enforcement;
We have heard it from the military;
We have heard it from State and local officials;
We have heard it from the private sector;
We have seen successful attacks occur overseas; AND
We have seen aborted and failed terrorist attempts actually occur here in the U.S.

While we continue to reach out through diplomatic channels to those who may wish to do us harm, we fully realize that the diplomatic solution may not be possible. Therefore, it is clear that we need to enhance our homeland security by improving efforts to counter a WMD attack - especially using a biological weapon. This is the purpose of H.R. 5498, the *WMD Prevention and Preparedness Act of 2010*.

With this bill we recognize:

- That we need to prevent and deter the threat;
- That we must prepare for an attack if prevention and deterrence fail;
- That while we continue to prepare, an event may occur that we will need to detect before people and animals get sick or injured, or die;
- That once we detect an event, we need to attribute the crime to someone or some entity, and we need to respond immediately;
- That we will need to recover from the event; and
- That all of these actions are not the sole responsibility of the Federal government, so we need to integrate partners in the public, private, and global sectors.

We addressed each of these elements - prevention, deterrence, preparedness, detection, attribution, response, and recovery - in H.R. 5498, the *WMD Prevention and Preparedness Act of 2010*.

One of the determinations of the WMD Commission was that the Nation has not done enough to counter the biological threat. I agree, but I also want to point out that much has been done and is being done.

In H.R. 5498 we take this into account, and authorize and address a number of things that already exist in the Executive Branch, including but not limited to:

- The National Intelligence Strategy for Countering Biological Threats;
- Export Enforcement for Counter Proliferation;
- Material Threat Determinations;
- Promotion of the Biological and Toxin Weapons Convention (the BWC);
- BioWatch;
- System Assessment and Validation for Emergency Responders; and
- The Laboratory Response Network for Bioterrorism.

Still, we agree with the WMD Commission that much more needs to be done to counter the WMD threat in general, and the biological threat specifically. With this in mind, through H.R. 5498, we call for a number of new programs and activities, such as:

- A National Intelligence Strategy for Countering the Threat from WMD;
- The creation of a top tier of Select Agents that pose a material threat to the Nation - the Tier 1 Material Threat Agents;
- Enhanced measures to better secure these Tier 1 Material Threat Agents;
- Grants to help laboratories that possess Tier 1 Material Threat Agents to increase their security;
- Sharing laboratory biosecurity information, and threat-related information and guidance with State and local officials;
- Reviewing criminal statutes to ensure their application will result in the prosecutions we need;
- A policy review to allow first responders and others to get immunized for different threat agents as a preventive measure, before attacks occur;
- International engagement to enhance biodefense and biosecurity;
- A study on Forensic Science in Homeland Security by the National Academy of Science; and
- A National Medical Countermeasure Dispensing Strategy.

Finally, in H.R. 5498, we are looking to fix some problematic programs, such as the National Biosurveillance Integration Center.

This is a bipartisan bill, developed through careful consideration of varying viewpoints, and the input of experts and interested parties in both the public and private sectors. We look forward to continuing that process with our witnesses today.